

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-27, 29 and 33-46 were pending in this application when last examined.

Claims 1, 2 and 35 were examined on the merits and stand rejected.

Claims 3-27, 29, 33, 34 and 36-46 were withdrawn as non-elected subject matter.

Applicants reserve the right to file a Continuation or Divisional Application on any non-elected subject matter. Rejoinder of appropriate claims is requested.

Claim 1 is cancelled without prejudice or disclaimer thereto.

Claim 2 is amended to clarify the claimed invention without disclaimer thereto.

Claims 3, 10 and 35 are amended in view of the cancellation to claim 1.

No new matter has been added.

On page 2, claims 1, 2 and 35 were rejected under 35 U.S.C. 112, second paragraph, as indefinite. The claims have been amended to remove the rejected phrases without acquiescence. Thus, this rejection is moot.

On pages 3-8, claims 1, 2 and 35 were rejected under 35 U.S.C. 112, first paragraph, for failing to meet the enablement requirement. Claim 1 is cancelled and claim 2 has been amended to merely recite SEQ ID NO's. Thus, this rejection is overcome.

On pages 8-9, claims 1, 2 and 35 were rejected under 35 U.S.C. 112, first paragraph, as failing to meet the written description requirement. Claim 1 is cancelled and claim 2 has been amended without acquiescence to recite polypeptides by their SEQ ID NOs. Thus, it is clear that Applicants had possession of the claimed invention at the time of filing. Thus, this rejection, as applied to the amended claims, is overcome.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Tomoyuki NAKAMURA et al.

/William R.

By Schmidt, II/

Digitally signed by William R.
Schmidt, II/
DN: cn=William R. Schmidt, II/, o.ou,
email=tschmidt@wenderoch.com,
c=US
Date: 2010.07.23 11:39:32 -0400

William R. Schmidt, II
Registration No. 58,327
Attorney for Applicants

WRS/vah
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
July 23, 2010